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UNTO HIS GRACE,
**HIS MAJESTY'S
HIGH COMMISSIONER.**
And the Right Honourable, The
ESTATES OF PARLIAMENT.

The Humble Petition of **MARGARET** Lady Dowager of **BELHAVEN**,
Sheweth,

THAT Sir *Robert Hamiltoun* of *Presmennan*, one of the Senators of the Colledge of Justice, after he purchased the Lord *Belhaven's* Estate, did grant Band to Mr. *William Brown* for 13000 Merks, with Annualrents and Expenses *Anno* 1672, in manner therein contained, payable at the first Term of *Whitsunday*, or *Martinmas* next, after the Expiration of Year and Day, after the Death or Marriage of Mrs. *Elizabeth Hamiltoun*, Daughter to the said Lord *Belhaven*: And conform to an Precept of Seasing therein specified, Mr. *William Brown* for his further Security thereanent, was Infeft in the Lands of *Newbarns*, &c. And in *Anno* 1680, Mr. *William Brown* did dispone the same to Your Petitioner, who also was Infeft in the saids Lands: And thereafter Your Petitioner did dispone 12000 Merks thereof to the said Mrs. *Elizabeth*, with this special Quality, That notwithstanding thereof, it should be *Leisum* to Your Petitioner to dispose upon the foresaids Sums of Money, in hail, or in part, without consent of Mrs. *Elizabeth*, at any time of her Life: And with the burden of which Provision, the Disposition was granted and accepted: Notwithstanding whereof, Mrs. *Elizabeth* being afterwards Married to the Viscount of *Kingstoun*, she did dispone her Right to the foresaid Sums, in favours of Sir *John Seaton* of *Garletoun*, who did raise a Process of Declarator against Your Petitioner and Mr. *William Brown*, with a Conclusion of Payment against *Presmennan*, that it might be declared, That the undoubted Right to that Sum did originally belong to Mrs. *Elizabeth*, and that the Lord *Presmennan* might be decerned to make payment thereof to him, as Assigney by her: Conform whereunto, Sir *George Seaton* to whom the said Sir *John* had disposed the same before his decease, having a considerable Interest with these intrusted in the Government at the time, and Influence upon the Bench, did obtain an Decreet, Finding and Declaring, That Mr. *William Brown's* Name was originally intrusted in the said Bond, for the behoof of the said Mrs. *Elizabeth Hamiltoun* Lady *Kingstoun*: And seing that Decreet was founded upon Mr. *William Brown's* Oath, albeit he was denuded thereof in favours of Your Petitioner long before, for most onerous Causes, and she Infeft as said is; and that Mrs. *Elizabeth* had accepted of a Disposition thereto from Your Petitioner, her Mother, with the burden of the foresaid Faculty; and that Mr. *William Brown's* Oath, if duely considered, was no sufficient Ground for any such Declarator; and that it appears obviously to have been done to gratify *Garletoun*, who was a *Papist*, in so far as, by Mr. *William Brown's* Deposition, it is clear, that my Lord *Belhaven* having intrusted his Name in that Bond, without Back-bond, he did, upon the

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Faith thereof, advance to his Lordship 6000 Merks, or thereby, not doubting but that, by the Effects in his own Hand, he was secured ; and of which Sum Your Petitioner did make payment to him, when he disposed the Bond to her : Yet nevertheless when the late *Earl of Melfort*, who was also a *Papist*, got Right to a Sum due by the *Lord Belhaven* to the *Laird of Duchel*, did compare for his Interest, and craved that my Lord *Presmennis*'s Debt might be subject to his payment, the Lords did find, That it ought to be so: Whereby it is palpable, that these Interlocutors were calculate to gratify the *Popish* Party, upon the Expence of Your Petitioner, who was a *Protestant*. *2do*. The foresaid Decreet of Declarator was yet so much the more unjust, That albeit these Lords had found that the Sum due by *Presmennis* was affectable with the Debt due by *Belhaven* to *Duchel*, to which my Lord *Melfort* had then Right; yet because *Garletoun* was thereby to lose so much of his Claim, they, to gratify him, ordained the *Earl of Melfort*, upon his obtaining payment out of that Fond, to assign to *Garletoun* as much of the Debt due by *Belhaven* to *Duchel*; and that not only against the *Lord Belhaven*, who was principal Debitor, and by whose Effects he was swa ordained to be satisfied, but also against the Cautioners in *Duchel*'s Band, that so neither of the *Popish* Pursuers might suffer. By which Decreet and Interlocutors therein contained, Your Petitioner was enormly leased; but the samen being pronounced before the Act of Parliament, allowing Protestations for Remeed of Law, she had no access for Redress: And though Your Petitioner should prosecute a Reduction before the Lords of Session, they will be precluded from their Determination therein by this Answer, That the Grounds whereupon she quarrels these Interlocutors, are already Proponed and Repelled: So that the Review thereof is only competent to the Estates of Parliament, unless a special Warrant were granted to the Lords of Session to Cognosce thereupon, and Determine therein, without regard to the former Decreet, or Interlocutors whereupon the samen is founded.

May it therefore please Your Grace and Lordships, to Grant Warrant to Your Petitioner to Cite the said Laird of Garletoun, and all other Parties pretending Interest, upon such Dayes as are prescribed by Act of Parliament in this present current Session regulating Citations before this high & sovereign Court, to hear and see the said Decreet of Declarator, with the Interlocutors whereupon the samen is founded and all that has followed, or is competent to follow thereupon Reduced, by a Decreet of Your Grace & Lops: and the Sums contained in the said Bond found and declared to be in the first place, subject and liable to the Debt, which was due by my Lord Belhaven to the said Master William Brown, whose Name was intrusted therein without Back-band, and the Remainder thereof to be at Your Petitioners disposal, in respect of the Quality contained in the said Disposition, whereby the samen was transmitted to the said Mrs. Elizabeth Hamiltoun Lady Kingstoun: Or at least to remit to the Lords of Session to Cognosce thereupon, and Decide therein, as though no such Decreet or Interlocutors had been heretofore pronounced.

According to Justice: And Your Grace and Lordships Answer.

